

REMARKS:

Claims 1-17 are in the case and presented for consideration.

Claims 3, 5 and 7 are withdrawn subject to Applicant's right to file a divisional application directed to the invention claimed therein and subject to Applicant's potential right to rejoinder of these claims in the present application.

Claims 1, 12, 16 and 17 have been amended.

INFORMATION DISCLOSURE STATEMENT

The undersigned thanks Examiner for the telephone interview of April 30, 2009, during which it was made clear that the seven foreign patent references listed in the information disclosure statement filed on June 11, 2007 have all been considered by Examiner.

Additionally, the non-patent prior art references initially listed in the information disclosure statement filed on June 11, 2007 have now been properly listed in a new Form 1449 which is submitted with this amendment and is attached hereto. Additionally, copies of each of the references are also submitted with this amendment and attached hereto.

DRAWINGS

Replacement sheets containing Figures 1, 3-10 and 12-16 which have been corrected in accordance with Examiner's comments are submitted with this amendment and attached hereto.

Also, the reference numbers appearing in paragraphs [0003] and [0005] can all be found in Figure 17 as filed and the specification has been amended to more clearly point this out.

Furthermore, the limitations of claim 17 are shown in Figure 9 and described in paragraphs [0016] and [0088] of the published version of this application. The rough surface comprised of fine concave and convex portions is shown by the pattern of several small dots in Figure 9.

Accordingly, all the drawings are now believed to be in proper form.

SPECIFICATION

The specification in the published version of this application has been amended to add further clarity to the description and so that it is both consistent with the corrected drawings and in accordance with Examiner's comments. Therefore the specification is now believed to be in proper form.

CLAIM OBJECTIONS

The format of the above listing of claims has been corrected to include line indentations between claim elements. Furthermore, claim 12 has been amended in accordance with Examiner's comments. Therefore, the claims are now believed to be in proper form.

REJECTION OF CLAIMS UNDER 35 U.S.C. §112

Claim 12 was rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Additionally, claims 16 and 17 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Firstly, the “circular groove” claimed in claim 12 is described in paragraph [0070] of the published version of this application, and is illustrated in Fig. 1 where it is indicated by reference number “11.” Claim 12 has been amended to add further clarity to this claimed feature.

Moreover, claims 16 and 17 have been amended so that they no longer contain the term “rough” but instead contain a more definite description of the respective elements. Support for the amendments to claims 16 and 17 can be found in paragraph [0087] of the published version of this application.

Accordingly, all of the claims currently in the case are believed to comply with the requirements of 35 U.S.C. 112, first paragraph.

REJECTION OF CLAIMS UNDER 35 U.S.C. §102(b)

Claims 1 and 14-17 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,616,837 to Beutel (“Beutel”). Additionally, claims 1, 4, 8-11 and 13-17 were rejected under 35 U.S.C. 102(b) as being anticipated by reference SU 0832197 to Kaza (“Kaza”).

Applicants respectfully traverse the Office's rejections that the claims of the present application are anticipated by the cited prior art.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. See, e.g., *Verdeqaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). This standard is not satisfied where the prior art reference merely discloses the “concept”, “essence”, “key” or “gist” of the patented invention “concepts do not anticipate.” *Panduit Corp. v. Dennison Mfg. Co.*, 774 F.2d 1082, 1101 (Fed. Cir. 1985).

Additionally, to constitute anticipation, all the claimed elements must be found in exactly the same situation and united in the same way to perform the identical function in a single unit of prior art. *General Elect. Co. v. Nintendo Co., Ltd.*, 179 F.3d 1350 (Fed. Cir. 1999). Furthermore, it is a settled matter of law that dependent claims contain all the elements of the claims from which they depend.

Beutel fails to disclose or suggest at least one critical element claimed in currently amended independent claim 1, from which all other claims depend.

Beutel fails to disclose a “plurality of bellows” as claimed in currently amended independent claim 1. The published version of the present application states “The main body 30 of dust seal has a plurality of bellows in an axial direction of the steering shaft 20, for example, a first bellows 3a close to the vehicle compartment 17 side, and a second bellows 3b close to the engine room 18 side.” [0064].

By contrast, no such plurality exists with the guide ring 2 and dirt-lip seal 3 of Beutel. Even if, as the Office holds, Beutel's guide ring 2 and dirt-lip seal 3 constituted a bellow, which they do not, there would still only be one bellow disclosed and hence no plurality.

Similarly to Beutel, Kaza also fails to disclose or suggest critical elements claimed in currently amended independent claim 1. Among the elements of claim 1 missing from Kaza are a “main body of dust seal made of rubber” and a “plurality of bellows.”

Element 13 of Kaza, cited to by Examiner, at the very most, might constitute a single bellows and there is no description or illustration in either the abstract or the figure which would suggest otherwise. Additionally, the abstract of Kaza makes no mention of what material element 13 is made of.

Therefore, because both Beutel and Kaza fail to disclose or suggest critical elements claimed in currently amended independent claim 1, from which all other claims depend, neither reference is believed to anticipate any of the claims currently presented.

REJECTION OF CLAIMS UNDER 35 U.S.C. §103(a)

Claims 1, 2, 8-11 and 13-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese publication JP 2001-324018 to Osamu et al. ("Osamu") in view of U.S. Patent 6,350,075 to Abels ("Abels"). Additionally, claims 1 and 13-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,056,297 to Harkrader et al. (Harkrader) in view of Osamu.

Applicants respectfully traverse the Office's rejections that the claims of the present application are obvious in view of the cited prior art.

At the very least, none of the cited prior art references disclose a main body of dust seal which comprises "a tubular reinforcement member integrally formed within a peripheral installation portion" as claimed in currently amended independent claim 1.

Furthermore, none of the above cited prior art references contain a teaching or suggestion which could be used by one of ordinary skill in the art to come up with and combine the otherwise missing "a tubular reinforcement member integrally formed within a peripheral installation portion" and hence arrive at the presently claimed invention.

Therefore, because the aforementioned references all fail to disclose at least one critical element claimed in currently amended independent claim 1, from which all other claims depend, and because they do not provide a teaching which would motivate one of ordinary skill in the art to arrive at the presently claimed invention, none of the current

claims are obvious in light of any possible combination of Beutel, Kaza, Osamu, Ables and Harkrader.

Accordingly, the application and claims are believed to be in condition for allowance, and favorable action is respectfully requested.

No new matter has been added.

If any issues remain, the Examiner is respectfully invited to contact the undersigned at the number below, to advance the application to allowance.

Respectfully submitted,
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